

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**TOD CURTIS, individually and as beneficiary,)
FIRST UNITED TRUST COMPANY, as)
Trustee under Trust No. 10510, and ELTO)
RESTAURANT INC., an Illinois corporation,)**

Plaintiffs,

v.

**IRVANA K. WILKS, Village of Mount)
Prospect mayor and Local Liquor Control)
Commissioner, MICHAEL E. JANONIS, Village)
Of mount Prospect Manager, WILLIAM)
COONEY, Village of Mount Prospect)
Economic Director, WILLIAM SCHROEDER,)
Village of Mount Prospect Building)
Commissioner, ROBERT ROELS, Village of)
Mt. Prospect Environmental Health Manager,)
FRANK KRUPA, Village of Mount Prospect)
Environmental Health Inspector, OZ)
DEVELOPMENT, LLC and the Village of)
Mount Prospect,)**

Defendants.

Case No. 08 C 3527

Judge Guzman

Magistrate Judge Nolan

NOTICE OF FILING AND NOTICE OF MOTION

To: Mr. William M. McErlean
Mr. David T. Ballard
Mr. Theodore J. Koerth
BARNES & THORNBURG, LLP
One North Wacker Drive, Suite 4400
Chicago, Illinois 60606

Mr. John J. Foley
MAURIDES AND FOLEY, LLC
Two North LaSalle Street
Suite 1800
Chicago, Illinois 60602

PLEASE TAKE NOTICE that on July 17, 2008, I filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, **Defendants Wilks, Janonis, Cooney, Schroeder, Roels, Krupa And The Village Of Mount Prospect's Motion Requesting That The Court Abstain From Exercising Jurisdiction Over The Complaint**, a copy of which is attached and served upon you.

PLEASE TAKE FURTHER NOTICE that on Tuesday, July 29, 2008, at 9:30 a.m. I shall appear before the Honorable Judge Guzman, or any other judge sitting in his stead in Courtroom 1219, Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604, and then and there present **Defendants Wilks, Janonis, Cooney, Schroeder, Roels, Krupa And The Village Of Mount Prospect's Motion Requesting That The Court Abstain From Exercising Jurisdiction Over The Complaint.**

_____/s/Allen Wall_____

Everette M. Hill, Jr.
Lance C. Malina
Allen Wall
KLEIN, THORPE AND JENKINS, LTD.
20 North Wacker Drive, Suite 1660
Chicago, Illinois 60606
(312) 984-6400

CERTIFICATE OF SERVICE

I, Allen Wall, an attorney, state that I served this Notice of Filing and Notice of Motion, together with all attachments on the above-listed parties by U.S. Mail, first-class postage prepaid, at 20 North Wacker Drive, Chicago, Illinois 60606, on July 17, 2008, before 5:00 p.m.

_____/s/Allen Wall_____